

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
Eastern Division**

WILLIAM MCDERMET,

Plaintiff,

v.

CASE NO. 1:17-cv-12327-FDS

LEXINGTON LAW FIRM,

Defendant.

**DEFENDANT JOHN C. HEATH ATTORNEY AT LAW, PLLC dba
LEXINGTON LAW FIRM'S PARTIAL MOTION TO DISMISS**

Defendant John C. Heath Attorney PLLC, dba Lexington Law Firm ("Lexington"),¹ by counsel, and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, hereby moves to dismiss the claims brought by Plaintiff William McDermet ("Plaintiff") under 47 U.S.C. § 227 (b)(1)(B), 47 U.S.C. § 227(e)(1), 15 U.S.C. § 6102, and Mass. Gen. Laws ch. 93A. A memorandum in support of Lexington's motion is filed contemporaneously herewith and incorporated herein by reference.

WHEREFORE, Defendant John C. Heath Attorney PLLC, dba Lexington Law Firm requests that this Court dismiss those claims in Plaintiff's Complaint with prejudice.

¹ Plaintiff names "Lexington Law Firm" as the defendant in his Complaint. The full name of the proper entity is John C. Heath Attorney at Law, PLLC dba Lexington Law Firm.

Dated: December 18, 2017

Respectfully submitted,

/s/ Michael T. Grant

Michael T. Grant, BBO# 677893

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Counsel for Defendant John C. Heath

Attorney at Law, PLLC dba Lexington Law Firm

LOCAL RULE 7.1(a)(2) CERTIFICATION

I certify that, pursuant to Local Rule 7.1(a)(2), counsel for Defendant Lexington conferred with the *pro se* Plaintiff and attempted in good faith to resolve or narrow the issues presented in the motion, and Plaintiff opposes the relief requested herein.

/s/Michael T. Grant

Michael T. Grant

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of December 2017, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

William McDermet
4 Second Street
Ipswich, MA 01938
xebec2718@gmail.com

/s/ Michael T. Grant
Michael T. Grant